

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDWARD LEE SMITH, JR.,

Plaintiff,

No. 22-11586

v.

Honorable Nancy G. Edmunds

BISCHAN HASSUNIZADEH, *et al.*,

Defendants.

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**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S  
SEPTEMBER 5, 2023 REPORT AND RECOMMENDATION [61]**

Plaintiff Edward Lee Smith, Jr. brings this pro se prisoner civil rights lawsuit under 42 U.S.C. § 1983. (ECF No. 1.) The Court has referred all pre-trial proceedings to Magistrate Judge Anthony P. Patti. (ECF No. 42.) The matter is now before the Court on the Magistrate Judge's report and recommendation to grant Defendant Ellen Lander's motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). (ECF No. 61.) No party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *See Hall v. Rawal*, No. 09-10933, 2012 U.S. Dist. LEXIS 120541, at \*2 (E.D. Mich. Aug. 24, 2012) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). Nonetheless, the Court has reviewed the matter and agrees with the Magistrate Judge. The Court, therefore, ACCEPTS AND ADOPTS the report and recommendation (ECF No. 61). Accordingly, Defendant Lander's motion to dismiss (ECF No. 47) is GRANTED.

SO ORDERED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: September 26, 2023

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 26, 2023, by electronic and/or ordinary mail.

s/Lisa Bartlett  
Case Manager